

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

**ROBERT CHARLES JONES, #R5912**

**PLAINTIFF**

**versus**

**CIVIL ACTION NO. 2:08-cv-36-KS-MTP  
APPEAL NO. 08-60352**

**CHRISTOPHER B. EPPS, RONALD KING,  
AND BRENDA SIMS**

**DEFENDANTS**

**ORDER**

This cause comes before the Court on Plaintiff's notice of appeal [21] filed April 18, 2008 and his motion for a certificate of appealability [23] filed on April 25, 2008. The Plaintiff has failed to pay the appeal filing fee of \$455.00. Plaintiff has attached an affidavit of poverty to his notice of appeal and in his motion for a certificate of appealability, Plaintiff seeks to proceed *in forma pauperis* in this appeal.

On March 14, 2008, this Court entered an order [15] revoking Plaintiff's *in forma pauperis* status pursuant to the "three-strikes" provision of the Prison Litigation Reform Act. 28 U.S.C. § 1915(g). This order directed the Plaintiff to pay the full filing fee within thirty days. Furthermore, the Court entered an order on April 2, 2008, denying Plaintiff's request to proceed as a pauper in this action under the exception provision of 28 U.S.C. § 1915(g), "imminent danger of serious physical injury." The Plaintiff has not paid the district court filing fee, instead he has filed the instant notice of appeal and motion for a certificate of appealability.

The Court finds that Plaintiff should not be allowed to proceed with this appeal *in forma pauperis* based on his "three-strikes." The Court finds once again that Plaintiff's allegations do

not meet the exception provision of 28 U.S.C. § 1915(g). Accordingly, it is hereby,

ORDERED that Plaintiff's request to proceed as a pauper in this appeal is denied pursuant to 28 U.S.C. § 1915(g). Plaintiff is directed to submit the full appeal filing fee of \$455.00, within fifteen days of the date of this order, to the Clerk, U.S. District Court, P.O. Box 23552, Jackson, Mississippi 39225-3552.

IT IS FURTHER ORDERED that Plaintiff's motion for a certificate of appealability [23] is denied inasmuch as a certificate of appealability is not proper in a case filed pursuant to 42 U.S.C. § 1983.

Plaintiff is warned that his failure to pay the appeal filing fee in a timely manner may result in the dismissal of his appeal by the United States Court of Appeal for the Fifth Circuit.

**SO ORDERED AND ADJUDGED**, this the 28th day of April, 2008.

*s/ Keith Starrett*  
UNITED STATES DISTRICT JUDGE